

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LIZA ENGESSER, MARISOL GETCHIUS,
GEETANJALI SEEPERSAUD by her Next Friend
SAVITRI SEEPERSAUD, and MARIA JAIME on
her own behalf and as Next Friend to Y.P.S. and
C.P., individually and on behalf of all persons
similarly situated; BROOKLYN CENTER FOR
INDEPENDENCE OF THE DISABLED, and
REGIONAL CENTER FOR INDEPENDENT
LIVING,

Plaintiffs,

-against-

JAMES V. MCDONALD, as Commissioner of the
New York State Department of Health,

Defendant.

Case No.:

**NOTICE OF PLAINTIFFS'
MOTION FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that Plaintiffs, individually and on behalf of all others similarly situated, hereby move before the United States District Court for the Eastern District of New York for a temporary restraining order and an order to show cause for a preliminary injunction, for the reasons set forth in the accompanying memorandum of law, the Declaration of Lisa E. Cleary, the Declaration of Elizabeth Jois, the Declaration of Rachel Holtzman, the Declaration of Julia Russell, the Declaration of Liza Engesser, the Declaration of Marisol Getchius, the Declaration of Savitri Seepersaud, the Declaration of Maria Jaime, the Declaration of Joseph Rappaport, Executive Director of Brooklyn Center for Independence of the Disabled, the Declaration of Brooke Erickson, Vice President of Direct Services at the Regional Center for

Independent Living, and the Complaint.

WHEREFORE, as more fully discussed in the Memorandum of Law in Support of Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction, Plaintiffs, by their undersigned attorneys, hereby respectfully request that this Court issue an order that Defendant James V. McDonald, as Commissioner of the New York State Department of Health, be immediately and temporarily restrained from Implementing Part HH of Chapter 57 of the New York Session Laws of 2024 (the "CDPAP Amendment") until at least September 30, 2025.

WHEREFORE, as more fully discussed in the Memorandum of Law in Support of Plaintiffs' Motion to Waive Bond for a Temporary Restraining Order and Preliminary Injunction, Plaintiffs, by their undersigned attorneys, hereby respectfully request that this Court issue an order waiving the bond requirement in Rule 65(c) of the Federal Rules of Civil Procedure.

A proposed order is being submitted simultaneously herewith for the Court's convenience.

Respectfully submitted,

Dated: New York, New York
March 26, 2025

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